

[115H4807]

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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To fulfill the United States Government's trust responsibility to serve the higher education needs of the Navajo people and to clarify, unify, and modernize prior Diné College legislation.

IN THE HOUSE OF REPRESENTATIVES

Mr. O'HALLERAN introduced the following bill; which was referred to the Committee on _____

A BILL

To fulfill the United States Government's trust responsibility to serve the higher education needs of the Navajo people and to clarify, unify, and modernize prior Diné College legislation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Diné College Act of
5 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1 (1) The Treaty of 1868 between the United
2 States of America and the Navajo Tribe of Indians
3 provides for the education of the citizens of the Nav-
4 ajo Nation.

5 (2) The Navajo Nation created and chartered
6 the Navajo Community College by Resolution CN-
7 95-68 as a wholly owned educational entity of the
8 Navajo Nation.

9 (3) In 1971, Congress enacted the Navajo Com-
10 munity College Act (Public Law 92-189; 25 U.S.C.
11 640a et seq.).

12 (4) The Navajo Nation officially changed the
13 name of the Navajo Community College to the Diné
14 College by Resolution CAP-35-97.

15 (5) The purpose of the Diné College is to pro-
16 vide educational opportunities to the Navajo people
17 and others in areas important to the economic and
18 social development of the Navajo Nation.

19 (6) The educational philosophy of the Diné Col-
20 lege is to apply principles of Sa'ah Naaghái Bik'eh
21 Hózhóón (Diné Philosophy) to advance quality stu-
22 dent learning through training of the mind and
23 heart.

1 (7) The United States has a trust and treaty
2 responsibility to the Navajo Nation to provide for
3 the educational opportunities for Navajo people.

4 (8) Significant portions of the Diné College's
5 infrastructure are dilapidated and pose a serious
6 health and safety risk to students, employees, and
7 the public.

8 (9) This Act is consistent with Executive Order
9 13592 (76 Fed. Reg. 76603, relating to improving
10 American Indian and Alaska Native educational op-
11 portunities and strengthening tribal colleges and
12 universities) and fulfills the United States Govern-
13 ment's trust responsibility to serve the educational
14 needs of the Navajo people.

15 **SEC. 3. PURPOSE.**

16 The purpose of this Act is to ensure that the Navajo
17 Nation and Navajo people—

18 (1) exercise their right to self-determination,
19 particularly in matters relating to their internal and
20 local affairs;

21 (2) maintain and strengthen their distinct insti-
22 tutions of higher education through the teaching of
23 the Navajo language, culture, traditions, and his-
24 tory; and

1 (3) improve their economic and social condi-
2 tions through higher education and postsecondary
3 vocational training.

4 **SEC. 4. DEFINITIONS.**

5 In this Act:

6 (1) APPROPRIATE COMMITTEES OF CON-
7 GRESS.—The term “appropriate committees of Con-
8 gress” means—

9 (A) the Committee on Indian Affairs and
10 the Committee on Appropriations of the Senate;
11 and

12 (B) the Committee on Natural Resources,
13 the Committee on Education and Labor, and
14 the Committee on Appropriations of the House
15 of Representatives.

16 (2) COLLEGE.—The term “College” means the
17 Diné College.

18 (3) OPERATION AND MAINTENANCE.—The term
19 “operation and maintenance” means all costs and
20 expenses associated with the customary daily oper-
21 ation of the Diné College and necessary maintenance
22 costs.

23 (4) INFRASTRUCTURE.—The term “infrastruc-
24 ture” means the Diné College buildings, water and
25 sewer facilities, roads, foundation, information tech-

1 nology, and telecommunications, including class-
2 rooms and external matters such as walkways.

3 (5) RENOVATIONS AND REPAIRS.—The term
4 “renovations and repairs” means modernization and
5 improvements to the infrastructure.

6 (6) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 **SEC. 5. AUTHORIZATION OF THE DINÉ COLLEGE.**

9 Congress authorizes the Diné College to receive all
10 Federal funding and resources under this Act and other
11 laws for its operation, improvement, and growth, includ-
12 ing—

13 (1) to provide programs of higher education for
14 citizens of the Navajo Nation and others;

15 (2) to provide vocational and technical edu-
16 cation for citizens of the Navajo Nation and others;

17 (3) to preserve and protect the Navajo lan-
18 guage, philosophy, and culture for citizens of the
19 Navajo Nation and others;

20 (4) to provide Navajo communities and people
21 with employment and training opportunities;

22 (5) to provide economic development and com-
23 munity outreach for Navajo communities and people;
24 and

1 (6) to provide a safe learning, working, and liv-
2 ing environment for students, employees, and the
3 public.

4 **SEC. 6. CAPITAL PROJECTS AND FACILITY NEEDS.**

5 From amounts made available under section 8(c), the
6 Diné College may undertake any renovations and repairs
7 to the infrastructure of the College that are identified in
8 the report under section 9.

9 **SEC. 7. STATUS OF FUNDS.**

10 Funds provided under this Act to the Diné College
11 may be treated as non-Federal, private funds of the Col-
12 lege for purposes of any provision of Federal law which
13 requires that non-Federal or private funds of the College
14 be used in a project for a specific purpose.

15 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—There are hereby authorized to be
17 appropriated to the Diné College, for each fiscal year, such
18 sums as may be necessary to pay for the operation and
19 maintenance of the College.

20 (b) BUDGET PLACEMENT.—The Secretary shall fund
21 the operation and maintenance of the Diné College sepa-
22 rately from tribal colleges and universities recognized and
23 funded by the Tribally Controlled Colleges and Univer-
24 sities Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

1 (c) FACILITIES AND CAPITAL PROJECTS.—In addi-
2 tion to amounts appropriated under subsection (a), there
3 are authorized to be appropriated \$7,500,000, for each fis-
4 cal year, to carry out section 6.

5 **SEC. 9. REPORT; INVENTORY; FINAL FORMULA; ADMINIS-**
6 **TRATIVE EXPENSES.**

7 (a) REPORT.—Not later than 90 days after the date
8 of enactment of this Act—

9 (1) the Director of the Bureau of Indian Af-
10 fairs, acting through the Regional Director of the
11 Navajo Regional Office shall locate and provide to
12 the Secretary a copy of the report, dated February
13 2019, on the detailed survey and deferred mainte-
14 nance study of all capital projects and facility needs
15 of the Diné College that was authorized under sec-
16 tion 4 of the Navajo Community College Act (25
17 U.S.C. 640c), as amended by Navajo Community
18 College Assistance Act of 1978 (Public Law 95–471;
19 25 U.S.C. 640a note), and contracted for by the Bu-
20 reau of Indian Affairs Navajo Regional Office; and

21 (2) the Secretary shall—

22 (A) provide to the appropriate committees
23 of Congress the report described in paragraph
24 (1) and an addendum to such report that in-
25 cludes recommendations by the Secretary, and

1 any recommendations or views submitted by the
2 College and the Navajo Nation regarding the
3 capital projects and facility needs of the Col-
4 lege; or

5 (B) in the case that the report described in
6 paragraph (1) is not provided to the Secretary
7 as required by this subsection—

8 (i) provide to the appropriate commit-
9 tees of Congress recommendations of the
10 Secretary, and any recommendations or
11 views submitted by the College and the
12 Navajo Nation regarding the capital
13 projects and facility needs of the College;
14 and

15 (ii) take such steps as may be nec-
16 essary to ensure that such report is located
17 and provided to the Secretary.

18 (b) INVENTORY.—Not later than January 31, 2022,
19 an inventory prepared by the Diné College identifying re-
20 pairs, alterations, and renovations to facilities required to
21 meet health and safety standards and other factors shall
22 be submitted to the Secretary. The inventory shall address
23 the facility needs and outstanding capital projects, includ-
24 ing any backlog of such needs and projects, from 1978
25 through the date of such inventory. The Secretary shall

1 use the inventory as baseline data to inform the report
2 required under subsection (a).

3 (c) FINAL FORMULA.—Not later than October 30,
4 2022, a final formula for ongoing operations and mainte-
5 nance of the Diné College shall be—

6 (1) determined by the Bureau of Indian Affairs,
7 utilizing input from and consultation with the Nav-
8 ajo Nation and the College, the report and adden-
9 dum provided under subsection (a), and the inven-
10 tory required under subsection (b); and

11 (2) provided to the appropriate committees of
12 Congress, the College, and the Navajo Nation.

13 (d) ADMINISTRATIVE EXPENSES.—Funds to carry
14 out this section may be drawn from general administrative
15 appropriations to the Secretary.

16 **SEC. 10. SUPERSESSION OF NAVAJO COMMUNITY COLLEGE**
17 **ACT.**

18 This Act supersedes—

19 (1) the Navajo Community College Act (Public
20 Law 92–189; 25 U.S.C. 640a et seq.);

21 (2) the Navajo Community College Assistance
22 Act of 1978 (Public Law 95–471, 92 Stat. 1325,
23 1329); and

24 (3) the Navajo Nation Higher Education Act of
25 2010 (Public Law 110–315, 122 Stat. 3468).

1 **SEC. 11. CONTINUING ELIGIBILITY FOR OTHER FEDERAL**
2 **FUNDS.**

3 Except as explicitly provided for in other Federal law,
4 nothing in this Act shall preclude the eligibility of the Diné
5 College to receive Federal funding and resources under
6 any program authorized under the Higher Education Act
7 of 1965 (20 U.S.C. 1001 et seq.), the Equity in Edu-
8 cational Land Grant Status Act (Title V, Part C, of Public
9 Law 103–382; 7 U.S.C. 301 note), or any other applicable
10 program for the benefit of institutions of higher education,
11 community colleges, or postsecondary educational institu-
12 tions.